



Working Together For Clean Air

www.pscleanair.org

Ph 206.343.8800

1.800.552.3565

Fax 206.343.7522

110 Union Street

Suite 500

Seattle, WA 98101-2038

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June 29, 2005

Ash Grove Cement Co.
Craig A. Puljan, Plant Manager
3801 E. Marginal Way S.
Seattle, WA 98134-1113

Re: Notice and Order of Civil Penalty No. 9862 (amended)

Dear Mr. Puljan:

This agency wishes to acknowledge and thank you for check #173401. The funds (\$1,000.00) from this check, when deposited to the agency, are accepted in full payment of Notice and Order of Civil Penalty No. 9862 (amended).

Thank you for your action to ensure compliance with agency regulations and for joining with this agency in efforts to achieve cleaner air.

Sincerely,

Mario Pedroza
Supervising Inspector

MAP/cmm

cc: Laurie S. Halvorson, General Counsel
Elizabeth Gilpin, Inspector



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June 9, 2005

Certified Mail No. 7004 1160 0000 1878 7309

Ash Grove Cement Co.
Craig A. Puljan, Plant Manager
3801 E. Marginal Way S.
Seattle, WA 98134-1113

Re: Notice of Disposition on Application for Relief
Notice and Order of Civil Penalty No. 9862

Dear Mr. Puljan:

On April 19, 2005, we received your Application for Remission or Mitigation of Notice and Order of Civil Penalty No. 9862. Based on the information provided in your mitigation letter dated April 18, 2005, we have amended the penalty and reduced the amount from \$2,000.00 to \$1,000.00. Notice and Order of Civil Penalty No. 9862 (amended) is enclosed.

In accordance with RCW 43.21B.300 and 70.94.431, thirty (30) days after you receive this letter, the Civil Penalty is due and payable in the full amount of \$1,000.00, unless you appeal the Civil Penalty to the Pollution Control Hearings Board (PCHB). If you wish to appeal this penalty, you must submit an appeal to the PCHB, and provide a copy to this agency, within this thirty (30) day period. I have enclosed an informal guide, published by the PCHB, to inform you of your rights and responsibilities in an appeal.

Sincerely,

Mario Pedroza
Supervising Inspector

MAP/cmm

Enclosures

cc: Laurie Halvorson, Agency Counsel
Elizabeth Gilpin, Inspector
Accounting

PUGET SOUND CLEAN AIR AGENCY
a municipal corporation of the state of Washington
110 Union Street, Suite 500
Seattle, Washington 98101-2038

VS

ASH GROVE CEMENT COMPANY
Craig A. Puljan, Plant Manager
3801 E. Marginal Way S.
Seattle, WA 98134-1113

NO. 9862 (amended)

**NOTICE AND ORDER
OF CIVIL PENALTY**

You are hereby notified that, pursuant to Chapter 70.94 RCW and Notice of Violation No. 3-001117, a copy of which has been previously provided to you or your agent, you have violated Conditions II.B.12 and V.N of Air Operating Permit No. 11339 of the Puget Sound Clean Air Agency in the following particulars:

On or about the 13th and 14th days of October, 2004 at 3801 East Marginal Way South in the city of Seattle, King County, state of Washington, you caused or allowed failure to demonstrate compliance with EU 1.18 and 1.19 by conducting an NSPS performance test on the coal mill stacks within 180 days of permit issuance, in violation of Condition II.B.12 of Air Operating Permit No. 11339 and failure to conduct particulate and opacity testing on the coal mill stacks concurrently under the NSPS as required by 40 CFR Subpart A 60.11(e)(1), in violation of Condition V.N of Air Operating Permit No. 11339.

As a result of the foregoing violations, a penalty is assessed against you as follows:

For the violation(s) that occurred on or about the 13th and 14th days of October, 2004, wherein you caused or allowed failure to demonstrate compliance with EU 1.18 and 1.19 by conducting an NSPS performance test on the coal mill stacks within 180 days of permit issuance, in violation of Condition II.B.12 of Air Operating Permit No. 11339 and failure to conduct particulate and opacity testing on the coal mill stacks concurrently under the NSPS as required by 40 CFR Subpart A 60.11(e)(1), in violation of Condition V.N of Air Operating Permit No. 11339 a penalty is assessed against you in the amount of one thousand dollars (\$1,000.00).

The full amount of this penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for both mitigation procedures and appeal procedures.)

In the event the full amount of this penalty is not paid on or before thirty (30) days of receipt of this notice, or a request for mitigation has not been made to this agency, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dated this 9th day of June 2005.

Dennis J. McLerran
Air Pollution Control Officer

Mario Pedroza

by Mario Pedroza
Supervising Inspector

Certified Mail No. 7004 1160 0000 1878 7309

PA
6/13/05

AGCS2M001314



Working Together For Clean Air

www.pscleanair.org

Ph 206.343.8800

1.800.552.3565

Fax 206.343.7522

110 Union Street

Suite 500

Seattle, WA 98101-2038

April 25, 2005

Ash Grove Cement Co.
Craig A. Puljan, Plant Manager
3801 E. Marginal Way S.
Seattle, WA 98134-1113

Re: Application for Relief (Remission or Mitigation)
Notice and Order of Civil Penalty No. 9862

Dear Mr. Puljan:

On April 19, 2005, we received your Application for Remission or Mitigation, requesting that we mitigate the above-referenced civil penalty. We will evaluate your request according to Section 3.11(c) of the agency's Regulation I. This regulation provides that we will mitigate the penalty only if you demonstrate extraordinary circumstances, such as the presence of facts or information not already considered in setting the original penalty.

Your deadline to appeal the penalty will be suspended until we have responded to your request. We will send you a letter entitled Notice of Disposition on Application for Relief, notifying you of the results of our review and explaining the appeal process. Once you receive this Notice of Disposition, you will have thirty (30) days to either accept the result of our review or appeal our decision.

Sincerely,

Mario Pedroza
Supervising Inspector

MAP/cmm

cc: Laurie Halvorson, General Counsel
Elizabeth Gilpin, Inspector

EXECUTIVE DIRECTOR

Dennis J. McLerran

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ASH GROVE CEMENT COMPANY



"WESTERN REGION"

April 18, 2005

Puget Sound Clean Air Agency
110 Union Street, Suite 500
Seattle, WA 98101-2038
Attn: Mario Pedroza, Supervising Inspector

Re: General Notice of Violation #3-001117
Notice and Order of Civil Penalty #9862

Dear Mr. Pedroza,

Please consider this a formal request for mitigation of Civil Penalty # 9862 dated March 25, 2005. Ash Grove Cement requests mitigation feels it is unreasonable. I refer you to Puget Sound Clean Air Agency's document, "General Civil Penalty Worksheet, Matrix and Recommendation". Based on this matrix worksheet and the Ash Grove's statement of fact stated below, Ash Grove requests mitigation in the amount of \$1000.

Table I: Gravity Criteria

1. Did the violation result in a public health risk or property damage? The violation did not involve any risk to public health or property damage. The violation pertained to a failure to measure opacity within the specified time per Air Operating Permit #11339, Permit condition II.B.12. The measured particulate emissions from Coal Mill 1 and Coal Mill 2 pollution control devices were measured to be 0.0024 and 0.0021 gr/dscf, respectively. The PM limit on the coal mill stack is 0.031 gr/dscf. Ash Grove has no reason to believe that excess emission of opacity occurred during the initial performance testing for particulate matter. No property was damaged as a result of the opacity not being measured within the specified timeframe.
2. Was it a willful or knowing violation? Ash Grove did not intentionally delay the testing and acted to correct the oversight expeditiously. Ash Grove contracted with an outside agent to do the performance testing and clearly outlined that opacity testing was within their scope of work. Once Ash Grove discovered the opacity measurement oversight, the outside agent was contacted and came back to the facility and performed the opacity measurements in a timely manner.

3. Was the violator unresponsive in correcting the violation? Ash Grove responded immediately to correct the oversight. On the same day that Ash Grove personnel became aware that the opacity measurements had not been completed, The Method 9 contactor was contacted. The required Method 9 test observations were completed the next day (December 3 and 4) on Coal Mill 1 and Coal Mill 2. The opacity results from the initial performance test were 1.25 and 2.50 % on Coal Mill 1 and Coal Mill 2, respectively. The regulatory limit from these sources is 20 %.
4. Was the violation a result of improper operation or inadequate maintenance? The violation was for not performing opacity measurements within the 180-day timeframe as outlined in Air Operating Permit No.11339, Permit condition II.B.12. The violation was not the result of either improper operation or inadequate maintenance.
5. Did the violator have a history of similar violations? To Ash Grove's knowledge this is the only alleged violation of Air Operating Permit No. 11339, Permit condition II.B.12. Ash Grove has no history of similar violations.
6. Did the violator benefit economically from noncompliance? The delay of the opacity measurement resulted in no economic benefit to Ash Grove. At no time was the equipment operated in a state of noncompliance. The outside agent was employed to perform opacity measurements and was paid for these services. As soon as Ash Grove personnel became aware that the opacity measurements had not been completed as originally scheduled, the outside agent was contacted, and instructed to complete the measurements. The opacity measurement was then completed in a timely manner.

Ash Grove respectfully requests consideration of mitigation of the \$2,000 penalty in light of the statement of facts set out above. Mitigation of the penalty is in keeping with the "General Civil Penalty Worksheet, Matrix Recommendation" document. Ash Grove proposes a \$1,000 penalty along with the understanding that the coal mill performance testing requirement of Permit condition II B.12 has been satisfied and that no future testing will be required to show compliance with this permit condition.

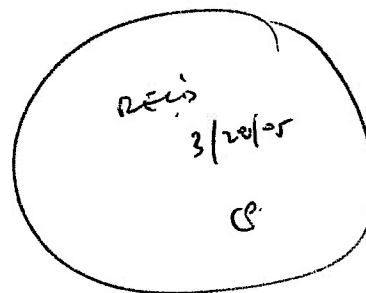
Sincerely,
Ash Grove Cement Company



Craig A. Puljan
Plant Manager
Ash Grove Cement Company
3801 East Marginal Way, S.
Seattle, WA 98134
(206) 623-5596
(206) 623-5355 (fax)



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1.800.552.3565

Fax 206.343.7522

110 Union Street

Suite 500

Seattle, WA 98101-2038

March 25, 2005

Certified Mail No. 7004 1160 0000 1878 6951

Ash Grove Cement Company
c/o CT Corporation System, Registered Agent
520 Pike St.
Seattle, WA 98101

Re: Ash Grove Cement Company
Notice and Order of Civil Penalty No. 9862

EXECUTIVE DIRECTOR

Dennis J. McLerran

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MEMBER AT LARGE

Janet Chalupnik

Enclosed is Civil Penalty No. 9862 in the amount of \$2,000.00 for Notice of Violation No. 3-001117. This Notice of Violation was issued for causing or allowing failure to conduct particulate and opacity testing as required under Air Operating Permit No. 11339, Conditions II.B.12 and V.N.

Within thirty (30) days of receiving a civil penalty from this agency, the following options are available to you:

1. Pay the penalty;
2. Request mitigation of the penalty; or
3. Appeal the penalty to the Pollution Control Hearings Board.

Please feel free to me at (206) 689-4023 or 1-800-552-3565, ext. 4023 if you have any questions about this matter.

Sincerely,

Mario Pedroza
Supervising Inspector

MAP/cmm

Enclosures

cc: Ash Grove Cement Co.
Gerald Brown, Environmental Manager
3801 E. Marginal Way S.
Seattle, WA 98134-1113

NO. 9862

NOTICE AND ORDER OF CIVIL PENALTY

ASH GROVE CEMENT COMPANY
c/o CT Corporation System, Registered Agent
520 Pike Street
Seattle, Washington 98101

On or about the 13th and 14th days of October, 2004 at 3801 East Marginal Way South in the city of Seattle, King County, state of Washington, you caused or allowed failure to demonstrate compliance with EU 1.18 and 1.19 by conducting an NSPS performance test on the coal mill stacks within 180 days of permit issuance, in violation of Condition II.B.12 of Air Operating Permit No. 11339 and failure to conduct particulate and opacity testing on the coal mill stacks concurrently under the NSPS as required by 40 CFR Subpart A 60.11(e)(1), in violation of Condition V.N of Air Operating Permit No. 11339.

For the violation(s) that occurred on or about the 13th and 14th days of October, 2004, wherein you caused or allowed failure to demonstrate compliance with EU 1.18 and 1.19 by conducting an NSPS performance test on the coal mill stacks within 180 days of permit issuance, in violation of Condition II.B.12 of Air Operating Permit No. 11339 and failure to conduct particulate and opacity testing on the coal mill stacks concurrently under the NSPS as required by 40 CFR Subpart A 60.11(e)(1), in violation of Condition V.N of Air Operating Permit No. 11339 a penalty is assessed against you in the amount of two thousand dollars (\$2,000.00).

In the event the full amount of this penalty is not paid on or before thirty (30) days of receipt of this notice, or a request for mitigation has not been made to this agency, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dennis J. McLerran
Air Pollution Control Officer

Mano A. Pedrosa

Certified Mail No. 7004 1160 0000 1878 6951



Puget Sound Clean Air Agency
110 Union Street, Suite 500
Seattle, WA 98101-2038
phone 206-343-8800/1-800-552-3565
fax 206-343-7522 www.pscleanair.org

General Notice of Violation

No. 3-001117

Case No.	Registration No. 11339	Violation Date: 10/13/04-10/14/04 Time:	
Certified Mail No.:	Name Ash Grove Cement Co.	Responsible Person, Title Gerald Brown EH & S Manager	
Location of Violation (Address) 3801 E. Marginal Way So	City Seattle, WA	Zip 98134	County King
Mailing Address As Above	City, State Seattle, WA	Zip 98134	Phone (206) 623-5596

Violation of Air Operating Permit No. 11339 issued on May 15, 2004

- ☒ Failure to comply with Section II.B.12 to demonstrate compliance with EU 1.18 and 1.19. Within 180 days of permit issuance, Ash Grove shall conduct an NSPS performance test to show compliance with condition EU 1.18 and EU 1.19 (coal mill only).
- ☒ Failure to comply with Section V.N NSPS and Neshap Performance testing: NSPS performance tests shall be conducted and data reduced in accordance with the procedures contained in 40 CFR 60.8 and in each applicable subpart of 40 CFR Part 60. Failure to conduct the particulate and opacity testing under the NSPS concurrently as required by 40 CFR Subpart A 60.11(e)(1).

Facts Alleged to Constitute a Violation

Causing or allowing the failure to conduct the opacity testing component of the coal mill NSPS testing within 180 days of the issuance of the permit. The final date by which the test should have been conducted was November 15th, 2004. Ash Grove Cement Co. conducted the opacity testing on the coal mill stacks December 3rd 2004 and December 4th 2004.

Causing or allowing the failure to conduct the NSPS particulate testing and the opacity testing on the coal mill stacks at the same time. Ash Grove Cement Co. conducted the particulate coal mill stack testing on October 13th, 2004 and October 14th, 2004. Ash Grove Cement Co. conducted the coal mill opacity stack testing on December 3rd and December 4th 2004.

Corrective Action Order *You must take the corrective action described below*

- ☒ Within 10 days of the date you receive this Notice of Violation, submit a written report describing the action you have taken to correct this violation and achieve compliance with your Air Operating Permit.

7001 2510 0000 2003 2573

Issued by:

Elizabeth Gilpin, Inspector, 689-4026

Date/Time:

12-22-04
NJA

Received by

signature

print name

Signing this document is not an admission of guilt

ASH GROVE CEMENT COMPANY



"WESTERN REGION"

January 4, 2005

Ms. Elizabeth Gilpin
Puget Sound Clean Air Agency
110 Union Street, Suite 500
Seattle, WA. 98101-2038

Re: Notice of Violation No. 3-001117

Dear Ms. Gilpin:

NOV No. 3-001117 requires a written response describing the corrective action taken to achieve compliance. The method 9 opacity measurements of the coal mills exhaust to show compliance with EU 1.19 and EU 2.2 was not conducted within the 180 days of permit issuance as required by section B.12. This was due to an Administrative oversight. It was believed that compliance demonstration of the grain/dcfm limit for the coal mills exhaust performed on October 13th and 14th, 2004 could be used in lieu of a method 9 test. Method 9 opacity measurements were conducted on December 3rd and 4th, 2004 under the same operating conditions to that in October and showed coal mills exhaust compliance with opacity limits.

Please let me know if you have any further question.

Yours truly,

Gerald J. Brown
Manager Safety and Environment

Copy: Craig Puljan

AGCS2M001321